

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID J. TRESKY,)
Plaintiff,) Case No. 2:09-cv-1616
v.) Judge Arthur J. Schwab
ROBERT PETERS, et al.,) Magistrate Judge Lisa Pupo Lenihan
Defendants.) Doc. No. 7

MEMORANDUM ORDER

The complaint in the above captioned case was received by the Clerk of Court on December 8, 2009, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (Doc. No. 18), filed on April 27, 2010, recommended that Defendants' Partial Motion to Dismiss (Doc. No. 7) be granted as to Plaintiff's contract and implied contract claims, and be denied with regard to Plaintiff's claim under the Pennsylvania Whistleblower Law. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. No objections were filed to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 17th day of May, 2010,

IT IS HEREBY ORDERED that the Partial Motion to Dismiss filed by Defendants Robert Peters, Larry A. Herman, William A. Albertini, and Shenango Township (Doc. No. 7) is **GRANTED** as to Plaintiff's contract and implied contract claims, and said claims are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Partial Motion to Dismiss (Doc. No. 7) is **DENIED** with regard to Plaintiff's claim under the Pennsylvania Whistleblower Law.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 18) of Magistrate Judge Lenihan, dated April 27, 2010, is adopted as the opinion of the Court.

s/ Arthur J. Schwab
United States District Judge

cc: All Counsel of Record
Via Electronic Mail